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March 14, 2012

**Hon. A. Kathleen Tomlinson**  
**Alphonse M. D'Amato Federal Courthouse**  
**100 Federal Plaza**  
**Central Islip, NY 11722**

**RE: Kinkade v. Credit Control, LLC and Equable Ascent Financial, LLC**  
**CV 11 -5283**

Honorable Judge Tomlinson,

I represent the Plaintiff herein. Please accept this letter as a request for the Court to enter a protective order in the above case.

Plaintiff has brought this putative class action alleging Defendants violated the Fair Debt Collection Practices Act (15 USC 1692 et seq.) The Defendant Credit Control, LLC has moved to dismiss the Complaint, and the Defendant Equable has filed an Answer. The Court has directed that discovery go forward relating to the Plaintiff's individual claims.

Defendant Equable Ascent alleges that it is the legal owner of a debt alleged to be owed by the Plaintiff. It is alleged that Defendant Credit Control was attempting to collect the debt on behalf of Equable. The Defendant Equable Ascent has informed the Court that they are considering whether to attempt to compel the Plaintiff to arbitrate the claims based upon a what Equable asserts is an arbitration agreement between the parties. So as to be able to assess Equable's claims, I requested counsel to produce the documents related to this issue, including the alleged arbitration agreement as well as the any contract between the two defendants. I have also formally served Defendants with discovery requests seeking the contract between the parties. Counsel for Equable has informed me that they will not produce the contract between the parties unless Defendant Credit Control consents to such. Defendant Credit Control has indicated in their Rule 26a disclosures that they will not produce the contract between the parties unless there is a protective order in place. **(See Exhibit A)**

To alleviate the issue, on February 17, 2012 I forwarded both defense counsel a copy of Magistrate Boyle's model protective order for signature. Neither Defendant responded to my request in any manner. So on March 8, 2012 I followed up with counsel and sent another email requesting that they respond to my request to work under the guidelines of Judge

Boyle's model order. Again, I received no response from either counsel. **(Correspondence attached as Exhibit B)**

While Plaintiff does not necessarily agree with Defendants' privacy concerns, Plaintiff is seeking to move past the issue and work under the strictures of a protective order. Plaintiff does not want to delay discovery over this issue.

Plaintiff respectfully requests that the Court enter the model order, so that the matter can progress. **(Exhibit C)**

Sincerely,

Joseph Mauro